

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-02-0191 MCE KJM P

vs.

EMUEL JAMES SMOTHERS,

Movant.

ORDER

_____/

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Since movant may be entitled to the requested relief if he can establish a violation of his constitutional rights, respondent is directed to file an answer within sixty days of the effective date of this order. See Rule 4, Rules Governing Section 2255 Proceedings.

Respondent shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the motion. Rule 5, Rules Governing Section 2255 Proceedings. Movant's traverse, if any, is due on or before thirty days from the date respondent's answer is filed.

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1 The Clerk of the Court shall serve a copy of this order, together with a copy of
2 movant's motion, on the United States Attorney or his authorized representative.

3 DATED: April 10, 2008.

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5 U.S. MAGISTRATE JUDGE

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